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## DECLARATION OF SOLE INVENTOR FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: "Self-Distracting and Fixating Bone Body Implant, Vertebral Interbody Implant and Method", the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

### PRIOR FOREIGN APPLICATIONS:

I hereby state that no applications for foreign patents or inventor's certificates have been filed prior to the date of execution of this declaration.

### POWER OF ATTORNEY:

As a named Inventor, I hereby appoint the following attorneys and agent to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Richard J. St. John, Reg. No. 19,363; David P. Roberts, Reg. No. 23,032; Randy A. Gregory, Reg. No. 30,386; Mark S. Matkin, Reg. No. 32,268; James L. Price, Reg.

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10     I hereby declare that all statements made herein of my own  
11    knowledge are true and that all statements made on information and  
12    belief are believed to be true; and further that these statements were  
13    made with the knowledge that willful false statements and the like so  
14    made are punishable by fine or imprisonment, or both, under  
15    Section 1001 of Title 18 of the United States Code and that such willful  
16    false statement may jeopardize the validity of the application or any  
17    patent issued therefrom.

18                       \* \* \* \* \*

19    Full name of sole inventor: George W. Bagby, M.D.

20    Inventor's Signature: George W. Bagby

21    Date: 27 Oct 98

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23    Citizenship:          U.S.

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